

## Article - Education

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§16–314.1.

- (a) This section applies to contracts in amounts not exceeding \$100,000.
- (b) The Board of Trustees of the Community College of Baltimore County may award a procurement contract on the basis of noncompetitive negotiation:
  - (1) For unsolicited offers that:
    - (i) Are in writing;
    - (ii) Are sufficiently detailed to allow a judgment regarding the potential utility of the offer;
    - (iii) Are unique or innovative;
    - (iv) Demonstrate the proprietary character of the offering warranting consideration of the use of competitive negotiation;
    - (v) May be subject to testing under terms and conditions specified by the Director of Purchasing; and
    - (vi) Cannot be procured through competitive methodologies;
  - (2) For the procurement of goods or services related to instruction or curriculum development;
  - (3) For the procurement of services related to private fund-raising activities; or
  - (4) Under other circumstances when the Director of Purchasing determines that noncompetitive negotiation is in the best interests of the College and the State.
- (c)
  - (1) The Board of Trustees of the Community College of Baltimore County shall establish standards and procedures for the application of subsection (b) of this section to a particular transaction.
  - (2) The standards and procedures shall require:

(i) The office, division, or department requesting noncompetitive negotiation to submit a written justification to the Director of Purchasing;

(ii) A written determination by the Director of Purchasing that noncompetitive negotiation is in the best interest of the College and the State; and

(iii) The written approval of the award of the contract on the basis of noncompetitive negotiation by the Board of Trustees.

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